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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,002	03/03/2004	Jeffrey A. Lindley	P-123451.1 (UTI)	4246

7590 07/08/2004

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EXAMINER

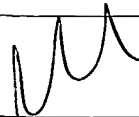
LEUNG, PHILIP H

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/792,002	Applicant(s) LINDLEY ET AL. 	
	Examiner Philip H Leung	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The drawings filed on 3/03/2004 are acceptable.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Microwave Oven with Food Stirring Device".

3. In claim 13, the term "microwave" at line 4 should read "microwave oven" instead.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (GB 2 300 095).

Chen shows "a stirring device comprising: a microwave oven 1 having a cooking chamber defined by three walls, a floor, an upper surface, and a door, and a carousel 11 located on said floor of said microwave, a base member (mounting bracket 2), an attachment member 21 integral to said base and fixed to said upper surface of said cooking chamber; and a shaft 32 depending from said base member, and terminating in a head 31 having at least one blade" (see Figures 2 and 3 and pages 3 and 4).

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6. Claims 1 and 13 are further rejected under 35 U.S.C. 102(b) as being anticipated by Greenstreet (GB 2 370 240).

Greenstreet shows "a stirring device comprising: a microwave oven having a cooking chamber defined by three walls, a floor, an upper surface, and a door, and a carousel (item 6 or 10) located on said floor of said microwave, a base member, an attachment member integral to said base and fixed to said upper surface of said cooking chamber; and a shaft depending from said base member, and terminating in a head having at least one blade (items 1, 3 and 4 are the claimed base member, attachment member, shaft with a stirring blade as shown in Figures 1 and 2)". See Figures 1-3 and 5 and Pages 1 and 2.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims 2-12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (GB 2 300 095) or Greenstreet (GB 2 370 240), in view of Bowen (US 4,904,834).

As set forth above, Chen or Greenstreet shows a microwave oven food stirring device having every feature and structure as claimed except for the use of a suction cup as the attachment member. Bowen shows a microwave oven 10 having a cooking chamber 30 defined by three walls, a floor, an upper surface, and a door, and a carousel 32 located on said floor of said microwave, a mounting member 50 with an attachment member (suction cups 60, 62) integral to the mounting member and fixed to a wall of the cooking chamber; and a shaft 34 depending from the mounting member and terminating in a head 76 having at least one blade (see Figures 1-3 and col. 3, line 54 – col. 4, line 52). It shows the use of suction cups 60, 62 or support block 80 with screw 82 (Figure 4) as the attachment member for mounting the stirrer to the wall of the microwave chamber. It would have been obvious to an ordinary skill in the art to modify Chen or Greenstreet to use any well known support mounting devices, including suction cups, instead of magnets or bayonet for attaching the food stirring device to the chamber wall for easy attachment, in view of Bowen. In regard to claims 3-5 and 15-17, the use of telescoping shafts for easy length adjustment is shown by Bowen (see col. 4, lines 17-28 and col. 5, lines 5-8). The use of blades with opening is also well known as shown by Bowen in Figure 3.

9. The prior art made of record below is considered pertinent to applicant's disclosure:

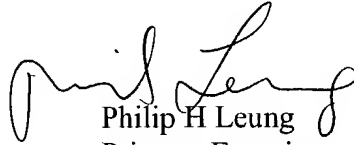
Porter (GB 2159027) is further made of record to show a microwave oven having a turntable and a food stirring device having a paddle 11 having holes.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H Leung whose telephone number is (703) 308-1710.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (703) 305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Philip H Leung
Primary Examiner
Art Unit 3742

P.Leung/pl
7-07-2004